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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Susumu MUTO et al.

Confirmation No.: 5595

Group Art Unit: 1614

Appl. No. : 10/516,292

(U.S. National Stage of PCT/JP03/07121)

I.A. Filed : June 5, 2003

Examiner: Charlesworth E. RAE



For : THERAPEUTIC AGENT FOR CANCER

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98 and supplemental to the Information Disclosure Statements filed February 24, 2006, March 7, 2006, and July 28, 2006, Applicants hereby direct the Examiner's attention to the following documents cited in a Supplementary European Search Report for European Application EP 03 73 0832, of which the above-referenced application is a counterpart application:

- (1) EP 1 352 650 A, Applicants note that this document was listed in the Information Disclosure Statement of February 24, 2006;
- (2) WO 99/65449 A1, Applicants note that this document was listed in the Information Disclosure Statement of February 24, 2006;
- (3) WO 99/46267 A1, Applicants note that this document was listed in the Information Disclosure Statement of February 24, 2006;
- (4) WO 99/46244 A1, September 16, 1999;

- (5) WO 99/46236 A1, September 16, 1999;
- (6) WO 98/32017 A2, July 23, 1998;
- (7) WO 02/16633 A2, February 28, 2002;
- (8) EP 0 931 544 A2, July 28, 1999;
- (9) WO 99/40907 A1, August 19, 1999; and
- (10) EP 1 008 346 A1, June 14, 2000.


Copies of the above-listed documents (4)-(10) and the Supplementary European Search Report for European Application EP 03 73 0832 are enclosed together with a completed copy of the Form PTO-1449 listing these documents. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the Form PTO-1449 with the next communication.

In accordance with 37 C.F.R. 1.97(e), the undersigned hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Of course, this statement does not apply to information that has previously been cited by Applicant or the Examiner in the present application as that information is already of record and no certification is necessary.

Applicants note that a Non-Final Office Action on the merits has issued in the present application, and thus, pursuant to 37 C.F.R. 1.97(d) and in addition to the foregoing statement under 37 C.F.R. § 1.97(e), Applicants submit that no fee is necessary. However, if for any reason an additional fee is necessary for consideration of this Information Disclosure Statement, the undersigned hereby authorizes the charging of any fee necessary for the consideration of this statement, including any payment under 37 C.F.R. §1.17 (p), to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Susumu MUTO et al.


Bruce H. Bernstein
Reg. No. 29,027 42,920

January 6, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191